

Following the above amendment, claims 60-68 are under consideration in the case. Claims 1-3, 17-20 have been canceled. Claims 60-68 have been added. Certain pending claims have been amended to expedite prosecution on certain preferred embodiments of the invention. It is urged that support for all the above amendments may be found throughout the specification as originally filed (see for example, pages 12, 23-27, and Examples 1, 4, and 6) and that none of the amendments constitute new matter. It should also be noted that the above amendments are not to be construed as acquiescence with regard to the Examiner's rejections. Applicants reserve the right to pursue the any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

The Office claims that certain references provided in the information disclosure filed October 23, 2000, paper 7, were not found and therefore were not reviewed. Replacement documents are provided herein.

The Office objects to the drawings for reasons cited in PTO 948. Replacement drawings provided herein obviate this objection.

Claims 1-3, 17-18 have been objected to due to informalities.

Claims 1-3, 17-18 have been cancelled, obviating these grounds for rejection.

Claims 1-3, 17-20 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants respectfully traverse this ground for rejection. As discussed above, claims 1-3, 17-20 have been canceled merely to expedite prosecution on certain preferred embodiments of the invention. Applicants respectfully submit that the above amendments and comments obviate and overcome the rejection and request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.


Claims 1 and 2 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants respectfully traverse this ground for rejection. As discussed above, merely to expedite prosecution on certain preferred embodiments of the invention, claims 1 and 2 have been canceled. Applicants respectfully submit that the above amendments and comments obviate and overcome the rejection and request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

On the basis of the above amendments and remarks, Applicants submit that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. The Examiner is invited to contact the undersigned at 206-694-4885 with any questions, comments and/or suggestions pertaining to this matter.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC


Jeffrey Hundley, Patent Agent
Registration No. 42,676

JEH:sds

Enclosures:

Postcard

IDS References (24)

19 Sheets Drawings (Figs. 1-24)

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092

Phone: (206) 622-4900

Fax: (206) 682-6031

D:\NrPortbl\iManage\SHARONS\238467_1.DOC

09/534,825
210121.419C7

Version with markings to show changes made

In the claims:

Please add the following claims:

- 60. An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:309, wherein said polypeptide is expressed in breast tumor tissue.
- 61. An isolated polypeptide that is 90% identical to the amino acid sequence of SEQ ID NO:299, wherein said polypeptide is expressed in breast tumor tissue.
- 62. An isolated polypeptide according to claim 61, wherein said polypeptide is 95% identical to the amino acid sequence of SEQ ID NO:299.
- 63. An isolated polypeptide comprising the amino acid sequence encoded by the polynucleotide sequence of SEQ ID NO:292.
- 64. An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:299.
- 65. An isolated polypeptide according to claim 60, in combination with a physiologically acceptable carrier.
- 66. An isolated polypeptide according to claim 60, in combination with an immunostimulant.
- 67. An isolated polypeptide according to claim 66, wherein said immunostimulant is an adjuvant.
- 68. An isolated polypeptide according to claim 66, wherein said immunostimulant induces a predominantly Type I response.--

Please cancel claims 1-3, 17-20.